

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DENNIS ZAMARIONI,**

**Plaintiff,**

**v.**

**FORTIS INSURANCE COMPANY,**

**Defendant.**

**No. 04-CV-0858-DRH**

**ORDER**

**HERNDON, District Judge:**

This matter comes before the Court for the purpose of docket control. On January 7, 2005, the Clerk of the Court issued a Notice striking Fortis' motion for leave to file appearance, jury demand, answer, affirmative defenses and counterclaim (Doc. 10). In the Notice striking the documents, the Clerk of the Court informed Fortis that the documents should be re-filed as separate entries. A review of the record indicates that Fortis has not re-filed these documents. Pending before the Court is Fortis' motion for summary judgment and Zamarioni's response in opposition (Docs. 23, 24, & 44). In these pleadings, both parties refer to the counterclaim even though it was never filed properly. Thus, the Court **ORDERS** Fortis to re-file the documents stricken in the Clerk of the Court's January 7, 2005 Notice by June 16, 2006.

**IT IS SO ORDERED.**

Signed this 12th day of June, 2006.

/s/ David RHerndon  
**United States District Judge**